



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2698

Introduced 2/22/2005, by Rep. Ruth Munson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-5

from Ch. 38, par. 3-5

Amends the Criminal Code of 1961. Provides that a prosecution for misdemeanor or felony identity theft or for aggravated identity theft must be commenced within 5 years (rather than 3 years if the offense is a felony or one year and six months if the offense is a misdemeanor) after the commission of the offense. Effective immediately.

LRB094 09126 RLC 39357 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 3-5 as follows:

6 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

7 Sec. 3-5. General Limitations.

8 (a) A prosecution for: (1) first degree murder, attempt to
9 commit first degree murder, second degree murder, involuntary
10 manslaughter, reckless homicide, concealment of homicidal
11 death, treason, arson, aggravated arson, forgery, or (2) any
12 offense involving sexual conduct or sexual penetration as
13 defined by Section 12-12 of this Code in which the DNA profile
14 of the offender is obtained and entered into a DNA database
15 within 10 years after the commission of the offense and the
16 identity of the offender is unknown after a diligent
17 investigation by law enforcement authorities, may be commenced
18 at any time. Clause (2) of this subsection (a) applies if
19 either: (i) the victim reported the offense to law enforcement
20 authorities within 2 years after the commission of the offense
21 unless a longer period for reporting the offense to law
22 enforcement authorities is provided in Section 3-6 or (ii) the
23 victim is murdered during the course of the offense or within 2
24 years after the commission of the offense.

25 (a-5) A prosecution for misdemeanor or felony identity
26 theft or for aggravated identity theft must be commenced within
27 5 years after the commission of the offense.

28 (b) Unless the statute describing the offense provides
29 otherwise, or the period of limitation is extended by Section
30 3-6, a prosecution for any offense not designated in Subsection
31 (a) or (a-5) must be commenced within 3 years after the
32 commission of the offense if it is a felony, or within one year

1 and 6 months after its commission if it is a misdemeanor.

2 (Source: P.A. 92-752, eff. 8-2-02; 93-834, eff. 7-29-04.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.